

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

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|--------------------------|---|---------------------------|
| GERARD MORRISON, et al., |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 1:14cv5 |
| |) | |
| vs. |) | Judge Hilton |
| |) | Magistrate Judge Anderson |
| COUNTY OF FAIRFAX, VA., |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON THE ISSUE OF
LIQUIDATED DAMAGES AND A THREE YEAR STATUTE OF LIMITATIONS
UNDER THE FAIR LABOR STANDARDS ACT**

In accordance with the Court's June 26, 2014 Order (Docket Entry 103), Federal Rules of Civil Procedure, Rule 56, and for the reasons set forth in the accompanying memorandum in support of this motion, plaintiffs respectfully request that this Court enter partial summary judgment on plaintiffs' claim that the defendant is liable to plaintiffs for liquidated damages and a third year of liability under the Fair Labor Standards Act ("FLSA").

Defendant has failed to meet its burden to establish that it acted with both subjective good faith and objective reasonableness to determine the requirements of the FLSA and to move to comply with them. Accordingly, a full award of liquidated damages is mandatory pursuant to §216(b) of the FLSA. 29 U.S.C. §216(b).

Rather than demonstrating good faith, the undisputed evidence establishes that the defendant's violations of the FLSA were willful. As such, plaintiffs are also entitled to summary judgment on their claim for a three year, rather than two year, statutory recovery period pursuant to Section 255(a) of the FLSA. 29 U.S.C. §255(a).

For these reasons, and as set forth in detail in the accompanying memorandum in support of plaintiffs' motion, plaintiffs respectfully request that the Court grant summary judgment in their favor on these issues of defendant's liability.

Dated: August 8, 2014

Respectfully submitted,

/s/ Molly A. Elkin
Molly A. Elkin (Va. Bar No. 40967)
Sara L. Faulman
Robin S. Burroughs
WOODLEY & MCGILLIVARY
1101 Vermont Avenue, N.W.
Suite 1000
Washington, DC 20005
Phone: (202) 833-8855
mae@wmlaborlaw.com
slf@wmlaborlaw.com
rsb@wmlaborlaw.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of August, 2014, I electronically filed the foregoing motion, accompanying memorandum and appendix using the CM/ECF system, which will send a notification of such filing to all counsel of record, including defendant's counsel:

Sona Rewari (VSB No. 47327)
HUNTON & WILLIAMS LLP
1751 Pinnacle Drive
Suite 1700
McLean, Virginia 22102
srewari@hunton.com

Evangeline C. Paschal
HUNTON & WILLIAMS LLP
2200 Pennsylvania Avenue, N.W.
Washington, D.C. 20037
epaschal@hunton.com

Lewis Powell, III
HUNTON & WILLIAMS
Riverfront Plaza, East Tower

951 East Byrd Street
Richmond, VA 23219
lpowell@hunton.com

/s/ Molly A. Elkin
Molly A. Elkin (Va. Bar No. 40967)
WOODLEY & MCGILLIVARY
1101 Vermont Avenue, N.W.
Suite 1000
Washington, DC 20005
Phone: (202) 833-8855
mae@wmlaborlaw.com

Counsel for Plaintiffs